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Community Development Department

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Village of Westmont Planning and Zoning Commission August 12, 2015 - Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, August 12, 2015 at 7:00pm, at the Westmont Village Hall, 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Ed Richard led in the following:

(1) Call to Order

In attendance: Chair Ed Richard, Commissioners Gregg Pill, Craig Thomas, Janis Bartel, Doug Carmichael, Thomas Sharp, Secretary Wallace Van Buren, Attorney Ann Marie Lampariello-Perez, Community Development Director Jill Ziegler, Building Commissioner Nick Weinert, Code Enforcement Officer Joe Hennerfeind.

Absent: NONE.

(2) Pledge of Allegiance.

(3) Swearing in of testifying attendees and reminder to sign in.

(4) Reminder to silence all electronic devices.

(5) Approval of Minutes

(6) Approval of Minutes of the June 10, 2015 meeting.

Motion to approve the Minutes of the June 10, 2015 meeting.

Motion: Pill

Second by: Bartel

VOTING--Minutes

Pill--Yes

Thomas--Present

Van Buren--Yes

Bartel--Yes

Carmichael--Yes

Sharp--Present

Richard--Yes

Motion passed.

Old Business

PZ 15-015 Dr. Akhtar Parvaiz regarding the property located at 6125 South Cass Avenue, Westmont, IL 60559 for the following in the C-1 Commercial District:

(A) Special Use Permit request to operate a ground floor medical office.

(B) Zoning Code Variance request to reduce the number of required off-street parking stalls.

(C) Site and Landscaping Plan Review

PRESENTATION: Doctor Parvaiz mentioned that he is requesting a ground floor location due to seeing patients that may need urgent care and wants to avoid requiring patients to have to go up or down a floor to access the office. There is a pharmacy in the plan. Pharmacy will be open 8-6pm, would possibly extend hours to 10pm for both facilities. Patients seen at urgent care will be able to fill prescriptions at pharmacy instead of having to go to another location. Initially they will be open Mon-Sat then could possibly add Sunday.

PUBLIC COMMENT: None.

STAFF COMMENT: Staff explained that the original proposal was presented in May. Permits were issued on the demo and the remodel but at that time the special use was not considered. One of the issues was the maintenance of the property, which has currently been improved including dead trees and the doctor has signed an agreement to upkeep the property. The applicant has also improved the landscaping proposal. Emergency services were affected by the canopy size, which has been revised. Cross access was proposed but neighbors were not interested in an agreement at this time, though it would be required for doctor as part of the conditions of the special use. The parking variance would be 16 spots based on if neighbors developed, so they would not have to return to committee. They are proposing reuse of the existing monument sign, though it currently does not meet setback requirements. They do have a proposal from a pharmacist to meet retail aspect of the property.

COMMISSIONER COMMENT:

Bartel: stated there are a lot of positives such as the landscaping and canopy adjustments, but has concerns about continual maintenance, mentioned the proposal is not necessarily retail but she wants to see empty buildings become filled. Asked about timeline. Reply: the doctor stated that he is not at the office all the time, but is willing to work with Village to make sure that requirements are met, will be easier for him once they are on site everyday. Timeline would be opening 6-12 months after getting permits.

Sharp: agrees with Bartel, though is tough call since it is an area that needs retail, not sure he agrees with the hardship. Asked if there is language on trash enclosure and what it needs to be constructed out of, seems trash enclosure could be out of sight line of Cass if you move to the south and give up one more space. Reply: urgent care is different than a routine doctor visit, does not want to require patients to wait for elevator, etc. Staff: could ask for enclosure around the trash area, believes it was placed in that location to allow for better traffic flow.

Thomas: glad the location is being used and improved, asked about future access and what if the future owners still do not want to allow access. Clarified that canopy would be removed. Staff: as properties have to present to the Commission for special use permits it would be included for new re-developments.

Pill: appreciates the changes in the proposal but does not feel that this is a good fit for this type of business and feels that we should be following the Comprehensive Plan.

Van Buren: while it is not the best use, they were issued a permit based on what was proposed and it should move forward.

Carmichael: asked about the retail pharmacy, if the retail business was not successful after a year and if it were to close. Feels that the property may sit vacant if this business does not go in. Reply: the special use was not predicted on keeping the pharmacy there forever.

Richard: asked what was the original, and how the permit was issued to begin with. The Chairman does not feel that this is a good fit for the area. Asked about the site plan showing two monument signs, and asked about the existing canopy. They may need to adjust parking lot lighting to reduce illumination into residences, will have to meet current requirements. Staff: originally zoned C1, they are not sure how permit was issued. They would only support one monument sign on site plan. Reply: Doctor is fine with removing the canopy and leaving it off, initially there was going to be an entrance on the north side but that will now be used by the pharmacy. Anthony Gary, contractor was asked about north side entrance, there will not be an entrance, east and west side entrances only. The tree stumps will be removed, grass cut and the new trees planted as part of an approved landscaping plan.

FINDINGS OF FACT A:

(1) Yes-4; No-3

(2) Yes-4; No-3

(3) Yes-4; No-3

(4) Yes-4; No-3

(5) Yes-4; No-3

(6) Yes-4; No-3

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Special Use Permit request to operate a ground floor medical office.

Motion by: Pill

Second by: Thomas

VOTING A

Pill--No

Van Buren--Yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Sharp--No

Richard--No

Motion passed.

FINDINGS OF FACT B:

(1) Yes-4; No-3

(2) Yes-4; No-3

(3) Yes-4; No-3

MOTION B

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance request to reduce the number of required off-street parking stalls.

Motion by: Van Buren

Second by: Bartel

VOTING B

Pill--No

Van Buren--Yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Sharp--No

Richard--No

Motion passed.

MOTION C

Motion to recommend to the Village Board of Trustees to approve a Site and Landscaping Plan Review.

Motion by: Van Buren

Second by: Pill

Question on the Motion: Richard mentioned there were numerous concerns confirmed that those changes are made prior to going to Village Board.

VOTING C

Pill--No

Van Buren--Yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Sharp--No

Richard--No

Motion passed.

New Business

PZ 15-024 Village of Westmont regarding a Zoning Code text amendment as follows:

(A) Amend Appendix A: Article VII - Business Districts and Article VIII - Manufacturing and Office/Research Districts of the Westmont Zoning Code regarding Video Gaming regulations to require minimum distances between establishments with video gaming terminals.

PRESENTATION:

PUBLIC COMMENT: Bill Carlson, owner of Uptown Tavern, concerned that if he was to sell that the machines and license would be not grandfathered for the new owner as he is within 500 ft of Pot Belly Pub. Pill: stated that the new owner would have to obtain their liquor and gaming licenses through the normal process. Mr. Carlson is concerned that he is grandfathered in on the 500ft criteria and would lose profitability of selling his business if they could not have that.

STAFF COMMENT: Ziegler presented the text amendment regarding video gaming. There are currently 9 active video gaming businesses, with up to 5 terminals per facility. They are spread out throughout the Village. It was mentioned that they frequently get calls about them and recently. There was a proprietor that wanted to purchase multiple tenant spaces and then have 5 terminals in each facility and visitors could walk between them. So the Village reviewed surrounding areas language and criteria for adjusting the language in Village text. There were community development meeting discussion, letters to liquor license holders for feedback, how it affects current businesses in selling their businesses. Options for criteria such as having to have liquor license for 12 months, 500 ft distance or 1000 ft distance. It was mentioned that Uptown and Pot Belly and Laura location and Papa Passeros would be within 500ft of another location and would be the businesses that would be grandfathered. Being grandfathered does not mean they will be approved for the liquor license or video gaming license, only that the ordinance will not hinder them from applying for either of those licenses. Attorney discussed that the video gaming topic has been out there and they have given businesses an opportunity to provide feedback on this topic, or apply etc. There have been multiple meetings, outreach, letters, etc making sure the businesses know that they are going to be proposing new language.

COMMISSIONER COMMENT:

Richard: suggested an additional letter about the next meeting. Asked Mr. Carlson to attend next meeting.

Carmichael: asked if there was any differentiation that needs to be made between restaurants, sandwich shops, etc.

MOTION A

Motion to continue to next meeting on September 9, 2015.

Motion by: Bartel

Second by: Carmichael

VOTING A

Pill--Yes

Van Buren--Yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Sharp--Yes

Richard--Yes

Motion passed.

Staff: Ziegler mentioned that Hardee's recently went bankrupt, they will be working on a new tenant. They are also working on new tenant for Pompei.

(8) Motion to adjourn.

Motion by: Pill

Second by: Thomas

Meeting adjourned 8:07pm.